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BY: W. J. Murphy

DATE: May 14, 2003

Patent

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Patent Application of Masaaki Ando, <i>et al.</i>	: Group Art Unit: 1723
Conf. No.:	7728	: :
Appln. No.:	09/899,649	: Examiner: John Kim :
Filed:	July 5, 2001	: :
For:	RUNNING METHOD AND TREATMENT SYSTEM FOR SPIRAL WOUND MEMBRANE ELEMENT AND SPIRAL WOUND MEMBRANE MODULE	: Attorney Docket : No. 9982-21US : (1108US) :

REQUEST FOR RECONSIDERATION

This Request for Reconsideration is being timely filed in response to the Office Action dated February 20, 2003 (Paper No. 8) in the above-identified U.S. Patent Application.

REMARKS

Claims 1-25 are presently pending in the application.

The Examiner has rejected claims 1-14 under 35 U.S.C. §103(a) as being unpatentable (obvious) over U.S. Patent No. 6,432,310 B1 of Andou, et al. ("Andou '310") in view of U.S. Patent 5,376,278 of Salem. However, Andou '310 is only a 35 U.S.C. §102(e) reference since Andou '310 was filed before the present application but issued as a patent after the filing date of the present application. Moreover, Andou '310 is owned by the same assignee as the present application (Nitto Denko Corporation), and both inventions were owed by the same assignee at the time the invention was made. Therefore, Andou '310 cannot be used as a basis for rejection in view of 35 U.S.C. §103(c).

Further, the Japanese application priority cases of Andou '310 (JP 11-014966, JP 11-122155, JP 11-142480, and JP 11-167931) were not published more than one year before the U.S. filing date of the present application and are therefore not references under 35 U.S.C. §102(b). Specifically, JP 11-014966 was never published, and JP 11-122155, JP 11-142480, and JP 11-167931 were all published on October 3, 2000, which is less than one year prior to the July 5, 2001 filing date of the present application.

Based on the above remarks, it is respectfully submitted that claims 1-14 are patentable over the prior art of record and in condition for allowance. Further, in view of the allowability of claims 1-14, the species of claims 15-25 should be rejoined in this application and similarly allowed. A Notice of Allowance is respectfully requested for all of the claims 1-25.

Respectfully submitted,
MASAAKI ANDO ET AL.

5/14/03
(Date)

By:



WILLIAM C. YOUNGBLOOD

Registration No. 50,524

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

One Commerce Square

2005 Market Street - 22nd Floor

Philadelphia, PA 19103-7086

Telephone: (215) 965-1200

Direct Dial: (215) 965-1246

Facsimile: (215) 965-1210

E-Mail: wyoungblood@akingump.com

WWS:WCY:eas